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11 December 2015

Kevin Adrian
HPSD, LLC
466 Christy Street, Suite No. 2
Morgantown, West Virginia 26505

By Certified Mail — Return Receipt Requested

Re: **Sixty-Day Notice of Intent to File Citizen Suit Under Clean Water Act Section 505(a)(1) for Violation of Terms and Conditions of West Virginia NPDES Permit No. WV0105970**

Dear Mr. Adrian:

The Sierra Club, in accordance with Section 505 of the Clean Water Act (the "Act" or the "CWA"), 33 U.S.C. § 1365, and 40 C.F.R. Part 135, hereby notifies you that HPSD, LLC ("HPSD") has violated, and continues to violate, "an effluent standard or limitation" under Section 505(a)(1)(A) of the Act, 33 U.S.C. § 1365(a)(1)(A), by failing to comply with the terms of West Virginia / National Pollution Discharge Elimination System ("WV/NPDES") Permit No. WV0105970. Furthermore, HPSD is in ongoing and continuous violation of Section 301 of the Act, 33 U.S.C. § 1311, as a result of its discharges into West Virginia's waters in excess of applicable effluent limitations. If, within sixty days of the postmark of this letter, HPSD does not bring itself into full compliance with the Act, we intend to file a citizens' suit seeking civil penalties for ongoing and continuing violations and for an injunction compelling it to come into compliance with the Act.

HPSD holds WV/NPDES Permit No. WV0105970 (the "Permit"), which regulates discharges from a wastewater treatment plant (the "Facility") serving the Harvest Ridge Subdivision in Monongalia County, West Virginia. The Permit requires HPSD monitor the volume and/or concentration of pollutants in the effluent it discharges into Booths Creek, a tributary of the Monongahela River and a water of the United States. The Permit also sets limits on the volume and/or concentration of pollutants HPSD may discharge. Those limits are known as effluent limitations, and the violation of an effluent limitation is actionable under Section 505(a)(1) of the Act.

The Permit requires that HPSD submit discharge monitoring reports ("DMRs") to the West Virginia Department of Environmental Protection (the "WVDEP")—the agency charged with administering the WV/NPDES program. The DMRs HPSD provided to the WVDEP for the period of July 16, 2009, through November 22, 2015, however, reveal at least 325 violations of the Fecal Coliform, Total Recoverable Copper, Total Recoverable Zinc, Biochemical Oxygen Demand, Total Suspended Solids, Total Ammonia Nitrogen, Five-Day Biochemical Oxygen Demand Removal Percentage, Suspended Solids Removal Percentage, and Through-Plant or In-Conduit Flow effluent limitations on discharges from Outlet 001 of the Facility. Those violations are documented in Appendix A to this letter.

Each discharge amount that exceeds permit limits is an unlawful and unpermitted discharge and, therefore, is not shielded from liability under Section 402(k) of the Clean Water Act. Swartz v. Beach, 229 F. Supp. 2d 1239, 1269 (D. Wyo. 2001); U.S. E.P.A., Revised Policy Statement on Scope of Discharge Authorization and Shield Associated with NPDES Permits at 2, n.1 (April 11, 1995) (explaining that, in a NPDES permit, "authorization is only provided to discharge such pollutants within the limits and subject to the conditions set forth in the permit" (emphasis added)). When assessing penalties, the federal courts consider a violation of an average monthly effluent limitation to be a violation of the limit for each and every day of the moth that the violation occurred. See, e.g., Chesapeake Bay Found., Inc. v. Gwaltney of Smithfield, Ltd., 791 F.2d 304, 313–15 (4th Cir. 1986), vac'd on other grounds, 484 U.S. 49 (1987). Under that rule, HPSD has accrued 6,568 days of violations of the numeric effluent limitations on Outlet 001 of the Permit.

In addition to numeric effluent limitations, the Permit also requires that all discharges be "of such quality so as not to cause violation of applicable water quality standards." This includes the narrative water quality standards encoded at W. Va. Code R. § 47-2-3 and prohibiting the presence of any sewage or other waste in state waters that causes or materially contributes to, in relevant part: (1) "odors in the vicinity of the waters," W. Va. Code R. § 47-2-3.2.c; (2) "odor that would adversely affect the designated uses of the affected waters," W. Va. Code R. § 47-2-3.2.d; (3) pollutant concentrations that are "harmful, hazardous, or toxic to man, animal or aquatic life," W. Va. Code R. § 47-2-3.2.e; (4) "concentrations of bacteria which may impair or interfere with the designated uses of the affected waters," W. Va. Code R. § 47-2-3.2.g; or (5) "[a]ny other condition . . . which adversely alters the integrity of the waters of the State," W. Va. Code R. § 47-2-3.2.i. The Rules further disallow any "significant adverse impact to the chemical, physical, hydrologic, or biological components of aquatic ecosystems." W. Va. Code R. § 47-2-3.2.i. Citizens may enforce those narrative water quality standards as effluent limitations where, as here, they are incorporated as a condition of an NPDES permit. See Ohio Valley Envtl. Coalition v. Fola Coal Co., 82 F. Supp. 3d 673, 678 (S.D. W. Va. 2015); Ohio Valley Envtl. Coalition, Inc. v. Elk Run Coal Co., 24 F. Supp. 3d 532 (S.D. W. Va. 2014); Ohio Valley Envtl. Coalition, Inc. v. Alex Energy, Inc., 12 F. Supp. 3d 844 (S.D. W. Va. 2014); Ohio Valley Envtl. Coalition, Inc. v. CONSOL of Kentucky, Inc., Civ. No. 2:13-cv-5005, 2014 WL 1761938 at *3 (S.D. W. Va. Apr. 30, 2014); Ohio Valley Envtl. Coalition, Inc. v. Fola Coal Co., LLC, Civ. No. 2:12-cv-3750, 2013 WL 6709957 at *21 (S.D. W. Va. Dec. 19, 2013); Ohio

Valley Envtl. Coalition, Inc. v. Marfork Coal Co., Inc., 966 F. Supp. 2d 667, 685 (S.D. W. Va. 2013). See also, e.g., Northwest Envtl. Advocates v. City of Portland, 56 F.3d 979, 986-88 (9th Cir. 1995); New Manchester Resort & Golf, LLC v. Douglasville Development, LLC, 734 F. Supp. 2d 1326, 1226-39 (N.D. Ga. 2010); Swartz v. Beach, 229 F. Supp. 2d 1239, 1270-72 (D. Wyo. 2002); Gill v. LDI, 19 F. Supp. 2d 1188, 1195 (W.D. Wash. 1998).

Booths Creek is designated for recreational use and for use as an aquatic habitat, see W. Va. Code R. § 47-2-6.1, but is listed on the WVDEP's most recent 303(d) list as biologically impaired, unsupportive of aquatic life, and unfit for human use.[1] DMRs from the Facility show that HPSD regularly discharges ammonia-nitrogen, zinc, suspended solids, and organic compounds in quantities and/or concentrations sufficient to harm aquatic life. Elevated fecal coliform populations discharged from the Facility similarly threaten aquatic life and may render the water unfit for human use. Accordingly, HPSD's discharges have "materially contribute[d] to" pollutant and bacteria concentrations "harmful, hazardous, or toxic to man, animal or aquatic life" and adverse to "the designated uses of the affected water[ ]." See W. Va. Code R. §§ 47-2-3.2. Stated otherwise, it has "materially contribute[d] to" a "significant adverse impact to the chemical, physical, hydrologic, or biological components of aquatic ecosystems." Id.

Moreover, the World Health Organization warns that water can be malodorous when ammonia concentrations are as low as 1.5 mg/l. See World Health Org., "Ammonia in Drinking-Water," Guidelines for Drinking-Water Quality (2d ed. 1996). By comparison, DMRs submitted by HPSD reveal that in one recent month, for example, the Facility discharged approximately 520,000 gallons of water per day with an average ammonia concentration of 32.2 mg/l. Depending on ambient conditions at the time,[2] such discharges may have also "cause[d] or materially contribute[d] to . . . odors in the vicinity of the waters" or to "odors that would adversely affect the designated uses of" Booths Creek. See W. Va. Code R. §§ 47-2-3.2.

In the absence of any indication that HPSD has made serious efforts to prevent similar violations in the future, we believe HPSD is in ongoing and continuing violation of these effluent limitations and thus subject to a citizen suit under Section 505(a)(1) of the Act. If HPSD fails to come into complete compliance with the Act and the terms of its Permit, then we intend to file a citizen suit under Section 505(a)(1) of the Act for civil penalties and injunctive relief. Be aware that this notice is sufficient to allow us to sue HPSD for any post-notice violations related to the violations described herein. See generally Public Interest Research Group of N.J. v. Hercules, Inc., 50 F.3d 1239 (3d Cir. 1995).

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[1] The 303(d) list also acknowledges that a segment of Booth Creek upstream of the Facility is fully supportive of all possible uses.

[2] According to the Permit, Booths Creek's 7Q10 flow is 0.0546 cubic feet per second—approximately 35,266.5 gallons per day.

If HPSD has taken any steps to eradicate the underlying cause or causes of the violations identified in this letter, or if HPSD believes that anything in this letter is inaccurate, please let us know. If HPSD does not advise us of any remedial steps during the sixty-day period, we will assume no such steps have been taken and that violations are likely to continue. Additionally, we would be happy to meet with HPSD or its representatives to attempt a resolution of these issues within the sixty-day notice period.

Sincerely,

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Counsel for:
Sierra Club
85 Second Street, Second Floor
San Francisco, California 94105
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CC (Via Certified Mail, Return Receipt Requested):

The Honorable Randy Huffman, Secretary
West Virginia Department of Environmental Protection
601 Fifty-Seventh Street
Charleston, West Virginia 25304

The Honorable Shawn M. Garvin, Regional Administrator
United States Environmental Protection Agency Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

The Honorable Gina McCarthy, Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue Northwest
Washington, District of Columbia 20460

APPENDIX A

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Nitrogen, Ammonia Total	October 2015	Avg. Monthly	3.0	0.83	lbs/day	31*
Nitrogen, Ammonia Total	October 2015	Max. Daily	3.0	1.66	lbs/day	1
Nitrogen, Ammonia Total	October 2015	Avg. Monthly	6.9	2	mg/l	31*
Nitrogen, Ammonia Total	October 2015	Max. Daily	6.9	4	mg/l	1
Coliform, Fecal	October 2015	Max. Daily	648.8	400	per 100ml	1
Coliform, Fecal	October 2015	Avg. Monthly	648.8	200	per 100ml	31*
Biochemical Oxygen Demand	October 2015	Avg. Monthly	12.6	10	mg/l	31*
Biochemical Oxygen Demand	October 2015	Avg. Monthly	5.5	4.2	lbs/day	31*
Zinc Total Recoverable	September 2015	Avg. Monthly	0.094	0.064	mg/l	30*
Nitrogen, Ammonia Total	September 2015	Avg. Monthly	4.2	0.83	lbs/day	30*
Nitrogen, Ammonia Total	September 2015	Max. Daily	4.2	1.66	lbs/day	1
Nitrogen, Ammonia Total	September 2015	Avg. Monthly	9.58	2	mg/l	30*
Nitrogen, Ammonia Total	September 2015	Max. Daily	9.58	4	mg/l	1
Biochemical Oxygen Demand	September 2015	Avg. Monthly	13.4	10	mg/l	30*
Biochemical Oxygen Demand	September 2015	Avg. Monthly	5.8	4.2	lbs/day	30*
Zinc Total Recoverable	August 2015	Avg. Monthly	0.079	0.064	mg/l	31*
Nitrogen, Ammonia Total	August 2015	Avg. Monthly	17.7	0.83	lbs/day	31*
Nitrogen, Ammonia Total	August 2015	Max. Daily	17.7	1.66	lbs/day	1
Nitrogen, Ammonia Total	August 2015	Avg. Monthly	40.8	2	mg/l	31*
Nitrogen, Ammonia Total	August 2015	Max. Daily	40.8	4	mg/l	1
Solids, Suspended Percent Removal	August 2015	Avg. Monthly	83	85†	%	31*
Biochemical Oxygen Demand	August 2015	Avg. Monthly	12.5	10	mg/l	31*
Biochemical Oxygen Demand	August 2015	Avg. Monthly	5.4	4.2	lbs/day	31*
Copper Total Recoverable	July 2015	Avg. Monthly	0.0107	0.0072	mg/l	31*
Zinc Total Recoverable	July 2015	Avg. Monthly	0.119	0.064	mg/l	31*
Nitrogen, Ammonia Total	July 2015	Avg. Monthly	5.6	0.83	lbs/day	31*
Nitrogen, Ammonia Total	July 2015	Max. Daily	5.6	1.66	lbs/day	1

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Nitrogen, Ammonia Total	July 2015	Avg. Monthly	24.1	2	mg/l	31*
Nitrogen, Ammonia Total	July 2015	Max. Daily	24.1	4	mg/l	1
Solids, Suspended Percent Removal	July 2015	Avg. Monthly	63	85†	%	31*
Biochemical Oxygen Demand	July 2015	Avg. Monthly	19.1	10	mg/l	31*
Biochemical Oxygen Demand	July 2015	Avg. Monthly	4.5	4.2	lbs/day	31*
Coliform, Fecal	June 2015	Monthly Mean	2420	200	per 100ml	30*
Coliform, Fecal	June 2015	Max. Daily	2420	400	per 100ml	1
Copper Total Recoverable	June 2015	Avg. Monthly	0.0092	0.0072	mg/l	30*
Zinc Total Recoverable	June 2015	Avg. Monthly	0.687	0.064	mg/l	30*
Zinc Total Recoverable	June 2015	Max. Daily	0.687	0.14	mg/l	1
Biochemical Oxygen Demand	May 2015	Avg. Monthly	5.4	4.2	lbs/day	31*
Biochemical Oxygen Demand	May 2015	Avg. Monthly	12.4	10	mg/l	31*
Suspended Solids, Total	May 2015	Avg. Monthly	15.6	12.5	lbs/day	31*
Suspended Solids, Total	May 2015	Avg. Monthly	36	30	mg/l	31*
Nitrogen, Ammonia Total	May 2015	Avg. Monthly	14	0.83	lbs/day	31*
Nitrogen, Ammonia Total	May 2015	Max. Daily	14	1.66	lbs/day	1
Nitrogen, Ammonia Total	May 2015	Avg. Monthly	32.2	2	mg/l	31*
Nitrogen, Ammonia Total	May 2015	Max. Daily	32.2	4	mg/l	1
Zinc Total Recoverable	May 2015	Avg. Monthly	0.133	0.064	mg/l	31*
Biochemical Oxygen Demand	April 2015	Avg. Monthly	10.8	8.4	lbs/day	30*
Biochemical Oxygen Demand	April 2015	Avg. Monthly	24.9	20	mg/l	30*
Suspended Solids, Total	April 2015	Avg. Monthly	14.7	12.5	lbs/day	30*
Suspended Solids, Total	April 2015	Avg. Monthly	34	30	mg/l	30*
BOD, 5-Day Percent Removal	April 2015	Avg. Monthly	65	85†	%	30*
Solids, Suspended Percent Removal	April 2015	Avg. Monthly	69	85†	%	30*
Nitrogen, Ammonia Total	April 2015	Avg. Monthly	11.8	1.66	lbs/day	30*
Nitrogen, Ammonia Total	April 2015	Max. Daily	11.8	3.32	lbs/day	1
Nitrogen, Ammonia Total	April 2015	Avg. Monthly	27.2	4	mg/l	30*

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Nitrogen, Ammonia Total	April 2015	Max. Daily	27.2	8	mg/l	1
Nitrogen, Ammonia Total	February 2015	Avg. Monthly	11.2	1.66	lbs/day	28*
Nitrogen, Ammonia Total	February 2015	Max. Daily	11.2	3.32	lbs/day	1
Nitrogen, Ammonia Total	February 2015	Avg. Monthly	25.9	4	mg/l	28*
Nitrogen, Ammonia Total	February 2015	Max. Daily	25.9	8	mg/l	1
Biochemical Oxygen Demand	January 2015	Avg. Monthly	12.4	8.4	lbs/day	31*
Biochemical Oxygen Demand	January 2015	Avg. Monthly	28.5	20	mg/l	31*
Suspended Solids, Total	January 2015	Avg. Monthly	27.8	12.5	lbs/day	31*
Suspended Solids, Total	January 2015	Max. Daily	27.8	25	lbs/day	1
Suspended Solids, Total	January 2015	Avg. Monthly	64	30	mg/l	31*
Suspended Solids, Total	January 2015	Max. Daily	64	60	mg/l	1
Solids, Suspended Percent Removal	January 2015	Avg. Monthly	79	85†	%	31*
Coliform, Fecal	January 2015	Monthly Mean	2420	200	per 100ml	31*
Coliform, Fecal	January 2015	Max. Daily	2420	400	per 100ml	1
Nitrogen, Ammonia Total	January 2015	Avg. Monthly	12.6	1.66	lbs/day	31*
Nitrogen, Ammonia Total	January 2015	Max. Daily	12.6	3.32	lbs/day	1
Nitrogen, Ammonia Total	January 2015	Avg. Monthly	29	4	mg/l	31*
Nitrogen, Ammonia Total	January 2015	Max. Daily	29	8	mg/l	1
Nitrogen, Ammonia Total	December 2014	Avg. Monthly	6.5	1.66	lbs/day	31*
Nitrogen, Ammonia Total	December 2014	Max. Daily	6.5	3.32	lbs/day	1
Nitrogen, Ammonia Total	December 2014	Avg. Monthly	15.1	4	mg/l	31*
Nitrogen, Ammonia Total	December 2014	Max. Daily	15.1	8	mg/l	1
Zinc Total Recoverable	December 2014	Avg. Monthly	0.095	0.064	mg/l	31*
Biochemical Oxygen Demand	November 2014	Avg. Monthly	27.1	8.4	lbs/day	30*
Biochemical Oxygen Demand	November 2014	Max. Daily	27.1	16.8	lbs/day	1
Biochemical Oxygen Demand	November 2014	Avg. Monthly	62.5	20	mg/l	30*
Biochemical Oxygen Demand	November 2014	Max. Daily	62.5	40	mg/l	1
Suspended Solids, Total	November 2014	Avg. Monthly	39.0	12.5	lbs/day	30*

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Suspended Solids, Total	November 2014	Max. Daily	39.0	25	lbs/day	1
Suspended Solids, Total	November 2014	Avg. Monthly	90	30	mg/l	30*
Suspended Solids, Total	November 2014	Max. Daily	90	60	mg/l	1
Nitrogen, Ammonia Total	November 2014	Avg. Monthly	7.7	1.66	lbs/day	30*
Nitrogen, Ammonia Total	November 2014	Max. Daily	7.7	3.32	lbs/day	1
Nitrogen, Ammonia Total	November 2014	Avg. Monthly	17.8	4	mg/l	30*
Nitrogen, Ammonia Total	November 2014	Max. Daily	17.8	8	mg/l	1
Zinc Total Recoverable	November 2014	Avg. Monthly	0.109	0.064	mg/l	30*
Biochemical Oxygen Demand	October 2014	Avg. Monthly	20.01	4.2	lbs/day	31*
Biochemical Oxygen Demand	October 2014	Max. Daily	20.01	8.4	lbs/day	1
Biochemical Oxygen Demand	October 2014	Avg. Monthly	48	10	mg/l	31*
Biochemical Oxygen Demand	October 2014	Max. Daily	48	20	mg/l	1
Suspended Solids, Total	October 2014	Avg. Monthly	23.35	12.5	lbs/day	31*
Suspended Solids, Total	October 2014	Avg. Monthly	56	30	mg/l	31*
BOD, 5-Day Percent Removal	October 2014	Avg. Monthly	68	85†	%	31*
Nitrogen, Ammonia Total	October 2014	Avg. Monthly	9.8	0.83	lbs/day	31*
Nitrogen, Ammonia Total	October 2014	Max. Daily	9.8	1.66	lbs/day	1
Nitrogen, Ammonia Total	October 2014	Avg. Monthly	23.4	2	mg/l	31*
Nitrogen, Ammonia Total	October 2014	Max. Daily	23.4	4	mg/l	1
Biochemical Oxygen Demand	September 2014	Avg. Monthly	8.7	4.2	lbs/day	30*
Biochemical Oxygen Demand	September 2014	Max. Daily	8.7	8.4	lbs/day	1
Biochemical Oxygen Demand	September 2014	Avg. Monthly	20	10	mg/l	30*
Coliform, Fecal	September 2014	Monthly Mean	214	200	per 100ml	30*
Nitrogen, Ammonia Total	September 2014	Avg. Monthly	14.3	0.83	lbs/day	30*
Nitrogen, Ammonia Total	September 2014	Max. Daily	14.3	1.66	lbs/day	1
Nitrogen, Ammonia Total	September 2014	Avg. Monthly	33	2	mg/l	30*
Nitrogen, Ammonia Total	September 2014	Max. Daily	33	4	mg/l	1
Zinc Total Recoverable	September 2014	Avg. Monthly	0.074	0.064	mg/l	30*

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Nitrogen, Ammonia Total	May 2014	Avg. Monthly	15.9	2	mg/l	31*
Nitrogen, Ammonia Total	May 2014	Max. Daily	15.9	4	mg/l	1
Zinc Total Recoverable	May 2014	Avg. Monthly	0.095	0.064	mg/l	31*
Nitrogen, Ammonia Total	April 2014	Avg. Monthly	4.11	1.66	lbs/day	30*
Nitrogen, Ammonia Total	April 2014	Max. Daily	4.11	3.32	lbs/day	1
Nitrogen, Ammonia Total	April 2014	Avg. Monthly	9.86	4	mg/l	30*
Nitrogen, Ammonia Total	April 2014	Max. Daily	9.86	8	mg/l	1
Zinc Total Recoverable	April 2014	Avg. Monthly	0.155	0.064	mg/l	30*
Zinc Total Recoverable	April 2014	Max. Daily	0.155	0.14	mg/l	1
Nitrogen, Ammonia Total	March 2014	Avg. Monthly	2.9	1.66	lbs/day	31*
Nitrogen, Ammonia Total	March 2014	Avg. Monthly	6.78	4	mg/l	31*
Zinc Total Recoverable	March 2014	Avg. Monthly	0.094	0.064	mg/l	31*
Biochemical Oxygen Demand	February 2014	Avg. Monthly	13.4	8.4	lbs/day	28*
Biochemical Oxygen Demand	February 2014	Avg. Monthly	31	20	mg/l	28*
Suspended Solids, Total	February 2014	Avg. Monthly	15.6	12.5	lbs/day	28*
Suspended Solids, Total	February 2014	Avg. Monthly	36	30	mg/l	28*
Nitrogen, Ammonia Total	February 2014	Avg. Monthly	4.6	1.66	lbs/day	28*
Nitrogen, Ammonia Total	February 2014	Max. Daily	4.6	3.32	lbs/day	1
Nitrogen, Ammonia Total	February 2014	Avg. Monthly	10.6	4	mg/l	28*
Nitrogen, Ammonia Total	February 2014	Max. Daily	10.6	8	mg/l	1
Zinc Total Recoverable	February 2014	Avg. Monthly	0.094	0.064	mg/l	28*
Biochemical Oxygen Demand	January 2014	Avg. Monthly	26.7	4.2	lbs/day	31*
Biochemical Oxygen Demand	January 2014	Max. Daily	26.7	8.4	lbs/day	1
Biochemical Oxygen Demand	January 2014	Avg. Monthly	100	10	mg/l	31*
Biochemical Oxygen Demand	January 2014	Max. Daily	100	20	mg/l	1
Suspended Solids, Total	January 2014	Avg. Monthly	17.1	12.5	lbs/day	31*
Suspended Solids, Total	January 2014	Avg. Monthly	64	30	mg/l	31*
Suspended Solids, Total	January 2014	Max. Daily	64	60	mg/l	1

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Biochemical Oxygen Demand	May 2013	Avg. Monthly	17.2	10	mg/l	31*
Nitrogen, Ammonia Total	May 2013	Avg. Monthly	5.9	0.83	lbs/day	31*
Nitrogen, Ammonia Total	May 2013	Max. Daily	5.9	1.7	lbs/day	1
Nitrogen, Ammonia Total	May 2013	Avg. Monthly	25.3	2	mg/l	31*
Nitrogen, Ammonia Total	May 2013	Max. Daily	25.3	4	mg/l	1
Nitrogen, Ammonia Total	April 2013	Avg. Monthly	2.3	2	mg/l	30*
Nitrogen, Ammonia Total	March 2013	Avg. Monthly	2.78	2	mg/l	31*
Nitrogen, Ammonia Total	February 2013	Avg. Monthly	3.3	2	mg/l	28*
Nitrogen, Ammonia Total	January 2013	Avg. Monthly	3.07	2	mg/l	31*
Biochemical Oxygen Demand	December 2012	Avg. Monthly	13.1	10	mg/l	31*
Nitrogen, Ammonia Total	December 2012	Avg. Monthly	3	0.83	lbs/day	31*
Nitrogen, Ammonia Total	December 2012	Max. Daily	3	1.7	lbs/day	1
Nitrogen, Ammonia Total	December 2012	Avg. Monthly	10.8	2	mg/l	31*
Nitrogen, Ammonia Total	December 2012	Max. Daily	10.8	4	mg/l	1
Biochemical Oxygen Demand	November 2012	Avg. Monthly	12.1	4.2	lbs/day	30*
Biochemical Oxygen Demand	November 2012	Max. Daily	12.1	8.3	lbs/day	1
Biochemical Oxygen Demand	November 2012	Avg. Monthly	44	10	mg/l	30*
Biochemical Oxygen Demand	November 2012	Max. Daily	44	20	mg/l	1
Suspended Solids, Total	November 2012	Avg. Monthly	19.3	12.5	lbs/day	30*
Suspended Solids, Total	November 2012	Avg. Monthly	70	30	mg/l	30*
Suspended Solids, Total	November 2012	Max. Daily	70	60	mg/l	1
Solids, Suspended Percent Removal	November 2012	Avg. Monthly	81	85†	%	30*
Coliform, Fecal	November 2012	Monthly Mean	5800	200	per 100ml	30*
Coliform, Fecal	November 2012	Max. Daily	5800	400	per 100ml	1
Nitrogen, Ammonia Total	November 2012	Avg. Monthly	7.5	0.83	lbs/day	30*
Nitrogen, Ammonia Total	November 2012	Max. Daily	7.5	1.7	lbs/day	1
Nitrogen, Ammonia Total	November 2012	Avg. Monthly	27.1	2	mg/l	30*
Nitrogen, Ammonia Total	November 2012	Max. Daily	27.1	4	mg/l	1

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Flow, In Conduit or Through Plant	October 2012	Max. Daily	0.33	0.05	mgd	1
Coliform, Fecal	October 2012	Monthly Mean	430	200	per 100ml	31*
Coliform, Fecal	October 2012	Max. Daily	430	400	per 100ml	1
Biochemical Oxygen Demand	September 2012	Avg. Monthly	9.4	4.2	lbs/day	30*
Biochemical Oxygen Demand	September 2012	Max. Daily	9.4	8.3	lbs/day	1
Biochemical Oxygen Demand	September 2012	Avg. Monthly	34	10	mg/l	30*
Biochemical Oxygen Demand	September 2012	Max. Daily	34	20	mg/l	1
Suspended Solids, Total	September 2012	Avg. Monthly	22.6	12.5	lbs/day	30*
Suspended Solids, Total	September 2012	Avg. Monthly	82	30	mg/l	30*
Suspended Solids, Total	September 2012	Max. Daily	82	60	mg/l	1
Nitrogen, Ammonia Total	August 2012	Avg. Monthly	1.19	0.83	lbs/day	31*
Nitrogen, Ammonia Total	August 2012	Avg. Monthly	6.21	2	mg/l	31*
Nitrogen, Ammonia Total	August 2012	Max. Daily	6.21	4	mg/l	1
Biochemical Oxygen Demand	July 2012	Avg. Monthly	14	10	mg/l	31*
Nitrogen, Ammonia Total	July 2012	Avg. Monthly	2.42	0.83	lbs/day	31*
Nitrogen, Ammonia Total	July 2012	Max. Daily	2.42	1.7	lbs/day	1
Nitrogen, Ammonia Total	July 2012	Avg. Monthly	18.1	2	mg/l	31*
Nitrogen, Ammonia Total	July 2012	Max. Daily	18.1	4	mg/l	1
Biochemical Oxygen Demand	June 2012	Avg. Monthly	26.3	10	mg/l	30*
Biochemical Oxygen Demand	June 2012	Max. Daily	26.3	20	mg/l	1
Coliform, Fecal	June 2012	Monthly Mean	407	200	per 100ml	30*
Coliform, Fecal	June 2012	Max. Daily	6000	400	per 100ml	1
Nitrogen, Ammonia Total	June 2012	Avg. Monthly	2.9	2	mg/l	30*
Biochemical Oxygen Demand	May 2012	Avg. Monthly	18.2	10	mg/l	31*
Suspended Solids, Total	May 2012	Avg. Monthly	36	30	mg/l	31*
Nitrogen, Ammonia Total	May 2012	Avg. Monthly	6.16	0.83	lbs/day	31*
Nitrogen, Ammonia Total	May 2012	Max. Daily	6.16	1.7	lbs/day	1
Nitrogen, Ammonia Total	May 2012	Avg. Monthly	28.4	2	mg/l	31*

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Nitrogen, Ammonia Total	May 2012	Max. Daily	28.4	4	mg/l	1
Biochemical Oxygen Demand	April 2012	Avg. Monthly	12	10	mg/l	30*
Nitrogen, Ammonia Total	April 2012	Avg. Monthly	5.49	0.83	lbs/day	30*
Nitrogen, Ammonia Total	April 2012	Max. Daily	5.49	1.7	lbs/day	1
Nitrogen, Ammonia Total	April 2012	Avg. Monthly	38.7	2	mg/l	30*
Nitrogen, Ammonia Total	April 2012	Max. Daily	38.7	4	mg/l	1
Nitrogen, Ammonia Total	March 2012	Avg. Monthly	2.82	0.83	lbs/day	31*
Nitrogen, Ammonia Total	March 2012	Max. Daily	2.82	1.7	lbs/day	1
Nitrogen, Ammonia Total	March 2012	Avg. Monthly	26	2	mg/l	31*
Nitrogen, Ammonia Total	March 2012	Max. Daily	26	4	mg/l	1
Nitrogen, Ammonia Total	February 2012	Avg. Monthly	5.35	2	mg/l	29*
Nitrogen, Ammonia Total	February 2012	Max. Daily	5.35	4	mg/l	1
Biochemical Oxygen Demand	January 2012	Avg. Monthly	13.8	10	mg/l	31*
Nitrogen, Ammonia Total	January 2012	Avg. Monthly	2.1	0.83	lbs/day	31*
Nitrogen, Ammonia Total	January 2012	Max. Daily	2.1	1.7	lbs/day	1
Nitrogen, Ammonia Total	January 2012	Avg. Monthly	21	2	mg/l	31*
Nitrogen, Ammonia Total	January 2012	Max. Daily	21	4	mg/l	1
Suspended Solids, Total	December 2011	Avg. Monthly	56.5	30	mg/l	31*
Suspended Solids, Total	December 2011	Max. Daily	78	60	mg/l	1
Nitrogen, Ammonia Total	November 2011	Avg. Monthly	0.99	0.83	lbs/day	30*
Nitrogen, Ammonia Total	November 2011	Avg. Monthly	13.2	2	mg/l	30*
Nitrogen, Ammonia Total	November 2011	Max. Daily	13.2	4	mg/l	1
Biochemical Oxygen Demand	September 2011	Avg. Monthly	16.5	10	mg/l	30*
Coliform, Fecal	September 2011	Monthly Mean	900	200	per 100ml	30*
Coliform, Fecal	September 2011	Max. Daily	900	400	per 100ml	1
Nitrogen, Ammonia Total	August 2011	Avg. Monthly	2.57	0.83	lbs/day	31*
Nitrogen, Ammonia Total	August 2011	Max. Daily	2.62	1.7	lbs/day	1
Nitrogen, Ammonia Total	August 2011	Avg. Monthly	18.1	2	mg/l	31*

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Nitrogen, Ammonia Total	August 2011	Max. Daily	18.5	4	mg/l	1
Coliform, Fecal	July 2011	Monthly Mean	290	200	per 100ml	31*
Nitrogen, Ammonia Total	June 2011	Avg. Monthly	2.66	2	mg/l	30*
Nitrogen, Ammonia Total	May 2011	Avg. Monthly	3.32	2	mg/l	31*
Biochemical Oxygen Demand	March 2011	Avg. Monthly	10.7	10	mg/l	31*
Nitrogen, Ammonia Total	March 2011	Avg. Monthly	5.43	2	mg/l	31*
Nitrogen, Ammonia Total	March 2011	Max. Daily	5.43	4	mg/l	1
Biochemical Oxygen Demand	February 2011	Avg. Monthly	13.1	10	mg/l	28*
Coliform, Fecal	February 2011	Max. Daily	570	400	per 100ml	1
Nitrogen, Ammonia Total	February 2011	Avg. Monthly	11.7	2	mg/l	28*
Nitrogen, Ammonia Total	February 2011	Max. Daily	11.7	4	mg/l	1
Biochemical Oxygen Demand	January 2011	Avg. Monthly	16.7	10	mg/l	31*
Coliform, Fecal	December 2010	Monthly Mean	1200	400	per 100ml	31*
Coliform, Fecal	November 2010	Max. Daily	540	400	per 100ml	1
Nitrogen, Ammonia Total	August 2010	Avg. Monthly	10.03	2	mg/l	31*
Nitrogen, Ammonia Total	August 2010	Max. Daily	17.1	4	mg/l	1
Biochemical Oxygen Demand	July 2010	Avg. Monthly	11.4	10	mg/l	31*
Nitrogen, Ammonia Total	July 2010	Avg. Monthly	12.5	2	mg/l	31*
Nitrogen, Ammonia Total	July 2010	Max. Daily	12.5	4	mg/l	1
Coliform, Fecal	June 2010	Monthly Mean	244	200	per 100ml	30*
Coliform, Fecal	June 2010	Max. Daily	6000	400	per 100ml	1
Biochemical Oxygen Demand	May 2010	Avg. Monthly	23	10	mg/l	31*
Biochemical Oxygen Demand	May 2010	Max. Daily	23	20	mg/l	1
BOD, 5-Day Percent Removal	May 2010	Avg. Monthly	27	85†	%	31*
Biochemical Oxygen Demand	April 2010	Avg. Monthly	14	10	mg/l	30*
Nitrogen, Ammonia Total	April 2010	Avg. Monthly	11	2	mg/l	30*
Nitrogen, Ammonia Total	April 2010	Max. Daily	20	4	mg/l	1
Solids, Suspended Percent Removal	March 2010	Avg. Monthly	83	85†	%	31*

Outlet 001						
Parameter	Month	Type	Reported	Limit	Unit	Violations
Coliform, Fecal	March 2010	Monthly Mean	780	400	per 100ml	31*
Nitrogen, Ammonia Total	March 2010	Avg. Monthly	14.1	2	mg/l	31*
Nitrogen, Ammonia Total	March 2010	Max. Daily	14.1	4	mg/l	1
Nitrogen, Ammonia Total	February 2010	Avg. Monthly	1.28	0.83	lbs/day	28*
Nitrogen, Ammonia Total	February 2010	Avg. Monthly	30.8	2	mg/l	28*
Nitrogen, Ammonia Total	February 2010	Max. Daily	30.8	4	mg/l	1
Biochemical Oxygen Demand	January 2010	Avg. Monthly	16.3	10	mg/l	31*
Nitrogen, Ammonia Total	January 2010	Avg. Monthly	1.83	0.83	lbs/day	31*
Nitrogen, Ammonia Total	January 2010	Max. Daily	1.83	1.7	lbs/day	1
Nitrogen, Ammonia Total	January 2010	Avg. Monthly	24.2	2	mg/l	31*
Nitrogen, Ammonia Total	January 2010	Max. Daily	24.2	4	mg/l	1
Biochemical Oxygen Demand	November 2009	Avg. Monthly	32	10	mg/l	30*
Biochemical Oxygen Demand	November 2009	Max. Daily	32	20	mg/l	1
Nitrogen, Ammonia Total	November 2009	Avg. Monthly	10.5	2	mg/l	30*
Nitrogen, Ammonia Total	November 2009	Max. Daily	10.5	4	mg/l	1
Biochemical Oxygen Demand	September 2009	Avg. Monthly	13.1	10	mg/l	30*
Biochemical Oxygen Demand	July 2009	Avg. Monthly	13.0	10	mg/l	31*
Biochemical Oxygen Demand	June 2009	Avg. Monthly	10.2	10	mg/l	30*

* See Chesapeake Bay Foundation, Inc. v. Gwaltney of Smithfield, Ltd., 791 F.3d 304, 313-315 (4th Cir. 1986) (violation of an average monthly effluent limitation is appropriately considered a violation of the limit for each day of that month), vac'd on other grounds, 484 U.S. 49 (1987).

† Minimum Limitation

Total Violations at Outlet 001 6,568